

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

SOVERAIN SOFTWARE LLC,)
) Case No. 2011-1009
Plaintiff/Appellee,)
) On appeal from the
v.) United States District Court
) for the Eastern District of Texas
NEWEGG INC.,) Civil Action No. 6:07-cv-00511-LED
) Judge Leonard Davis
Defendant/Appellant.)

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U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

**MOTION FOR AN EXTENSION OF
TIME TO OPPOSE AVON PRODUCTS, INC.'S MOTION
FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF**

Pursuant to Federal Rule of Appellate Procedure 27 and Federal Circuit Rule 26(b), Plaintiff-Appellee Soverain Software LLC ("Soverain") respectfully requests a fourteen (14) day extension of time to file its opposition to the motion of Avon Products, Inc. ("Avon") for leave to file an *amicus curiae* brief.

Soverain's opposition is currently due on December 27, 2010. If Soverain's request is granted, the revised due date will be January 10, 2011. This is Soverain's first request for an extension of the date to file its opposition.

Soverain requests this short extension of time in light of the currently-pending motion concerning Soverain's appellate counsel and the upcoming Christmas and New Year's holidays. On November 19, 2010, Soverain's counsel, Jones Day, filed a motion to withdraw from its representation of Soverain on this

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JAN HORBALY
CLERK

appeal. Both Soverain and Newegg Inc. ("Newegg") have opposed that motion, which remains to be decided by the Court.

Soverain has conferred with counsel for Avon and confirmed that Avon does not oppose the requested extension. Soverain has attempted to contact counsel for Defendant-Appellant Newegg Inc. ("Newegg") and as of the preparation of this filing, Newegg's counsel had not provided a response to indicate whether Newegg consents to or opposes the requested extension.

For the foregoing reasons, Soverain respectfully requests that its motion for an extension of time be granted.

Dated: December 17, 2010

Respectfully submitted,

By: 

*Counsel for Plaintiff-Appellee
Soverain Software LLC*

Peter C. John
Eric R. Lifvendahl
Paul J. Ripp
Williams Montgomery & John Ltd.
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DocID#924647

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

**Soverain Softawre LLC v. Newegg Inc.
2011-1009**

CERTIFICATE OF INTEREST

In compliance with Federal Circuit Rules 27(a)(7) and 47.4(b), the undersigned counsel for Plaintiff-Appellee Soverain Software LLC, certifies the following:

1. The full name and every party or amicus represented by me is:
SOVERAIN SOFTWARE LLC.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: NONE.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:
NONE.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Jones Day: Kenneth R. Adamo, Thomas Demitrack, Thomas L. Giannetti, Mark C. Howland, George T. Manning, Barry R. Satine, Jennifer Seraphine, Ognian V. Shentov, Andrey Belenky, Kenneth Canfield, Clark Craddock, Lynda Q. Nguyen, Debra R. Smith, Stela C. Tipi.

The Roth Law Firm: Carl R. Roth, Amanda Aline Abraham;

Siebman Burg Phillips & Smith: Michael C. Smith

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

**Soverain Softawre LLC v. Newegg Inc.
2011-1009**

CERTIFICATE OF INTEREST (Continued)

Williams Montgomery & John: Peter C. John, Eric R. Lifvendahl, Paul J. Ripp

12-17-2010

Date



Signature of Counsel

Paul J. Ripp

Printed Name of Counsel

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

**Soverain Software LLC v. Newegg Inc.
2011-1009**

CERTIFICATE OF FILING AND SERVICE

I, Paul J. Ripp, hereby certify that on the 17th Day of December, 2010, I caused the following documents:

- 1. Motion For An Extension Of Time To Oppose Avon Products, Inc.'s
Motion For Leave To File An *Amicus Curiae* Brief**
- 2. Certificate of Interest**

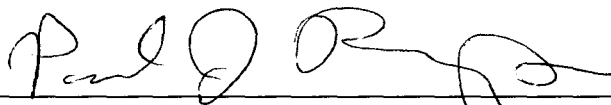
to be served as follows:

One copy by facsimile and the original and four copies by overnight mail (and a pre-paid return envelope) to:

Clerk of Court

United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439
202 275-9678 (fax)

One copy by facsimile and one copy by overnight mail to the persons on the attached service list at the facsimile numbers and addresses on the attached service list.



Paul J. Ripp (*Of Counsel* for Soverain Software LLC)
Williams Montgomery & John LLC
Willis Tower, 233 South Wacker Drive, Suite 6100
Chicago, Illinois 60606

Service List:

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December 17, 2010

VIA OVERNIGHT MAIL

Mr. Jan Horbaly
Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Washington Place, N.W., Room 401
Washington D. C. 20439

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U.S. Court of Appeals
for the Federal Circuit

Re: ***Soverain Software, LLC v. Newegg Inc.***, Case No. 2011-1009
Appeal from the United States District Court for the Eastern District of Texas
in Case No. 07-CV-0511, Judge Leonard Davis

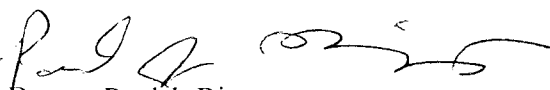
Dear Mr. Horbaly:

Please find enclosed the original and three copies of the Motion for an Extension of Time to Oppose Avon Products, Inc.'s Motion for Leave to File an *Amicus Curiae* Brief for filing in the above captioned case. A copy of the original was also transmitted to the Federal Circuit Court of Appeals, by facsimile to 202-275-9678, on December 17, 2010, pursuant to Federal Circuit Rule 25.

This overnight filing includes an extra copy of Soverain's Motion. Please mark this copy received and filed, and return it in the self addressed return envelope provided.

Very truly yours,

WILLIAMS MONTGOMERY & JOHN


By: Paul J. Ripp

Enclosure

cc: Counsel of record (listed on certificate of service)

DocID#924572